

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PAMELA MAHONEY;
MICHAEL MAHONEY;
LISA SOLOMON; and
MITCH SOLOMON,

Plaintiffs,

-vs-

U.S. DEPARTMENT OF THE
INTERIOR; BUREAU OF OCEAN
ENERGY MANAGEMENT; U.S.
DEPARTMENT OF THE ARMY; and
U.S. ARMY CORPS OF ENGINEERS,

Defendants,

and

SOUTH FORK WIND, LLC,

Defendant-Intervenor.

JOINT PROPOSED DISCOVERY
SCHEDULING ORDER

Case No. 2:22-cv-01305-FB-ST

Phase I (Pre-Settlement Discovery)	
Deadline for completion of Rule 26(a) initial disclosures and HIPAA - compliant records authorizations:	Exempt – Action For Review on an Administrative Record
Deadline for Production of Administrative Record	Plaintiffs' position: August 23, 2022 (60 days from Initial Conference) Defendants' position: September 23, 2022
Completion date for Phase I Discovery as agreed upon by the parties: <i>(Reciprocal and agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)</i>	Plaintiffs' position: August 23, 2022 (60 days from Initial Conference) (Presumption) Defendants' position is that this action is an administrative record case exempt from discovery.
Date for initial settlement conference: <i>(Parties should propose a date approximately 10-15 days after the completion of Phase I Discovery, subject to the Court's availability)</i>	Plaintiffs' position: September 2, 2022 Defendants' position: 30 days after filing administrative record
Phase II (Discovery and Motion Practice)	
Motion to join new parties or amend the pleadings: <i>(Presumptively 15 days post initial settlement conference)</i>	Plaintiffs' position: September 18, 2022 (Presumption) Defendants' position: August 31, 2022

<p>First requests for production of documents and for interrogatories due by: <i>(Presumptively 15 days post joining/amending)</i></p>	<p>Plaintiffs' position: October 3, 2022 (Presumption) Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<p>All fact discovery completed by: <i>(Presumptively 3.5 months post first requests for documents/interrogatories)</i></p>	<p>Plaintiffs' position: January 18, 2023 (Presumption) Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<p>Exchange of expert reports completed by: <i>(Presumptively 30 days post fact discovery)</i></p>	<p>Plaintiffs' position: February 17, 2023 (Presumption) Defendants' position is that this action is an administrative record case exempt from discovery.</p>
<p>Expert depositions completed by: <i>(Presumptively 30 days post expert reports)</i></p>	<p>Plaintiffs' position: March 20, 2023 (Presumption) Defendants' position is that this action is an administrative record case exempt from discovery.</p>

COMPLETION OF ALL DISCOVERY BY: <i>(Presumptively 9 months after Initial Conference)</i>	Plaintiffs' position: MARCH 23, 2023 (Presumption) Defendants' position is that this action is an administrative record case exempt from discovery.
Final date to take first step in dispositive motion practice: <i>(Parties are directed to consult the District Judge's Individual Rules regarding such motion practice. Presumptively 30 days post completion of all discovery)</i>	December 9, 2022 (Agreed)
Do the parties wish to be referred to the EDNY's mediation program pursuant to Local Rule 83.8?	No